

United States District Court

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA, Plaintiff,)	Magistrate Case No. 23-01000MJ
Vs.)	COMPLAINT FOR VIOLATION OF
Delfino CHOLULA-Gonzalez AKA: Armando PEREZ-Gonzalez, Abelino MORA 071482690 YOB: 1970 Citizen of: Mexico)	Title 8, United States Code, Section 1326(a), enhanced by (b)(1) (Re-Entry After Removal), Felony
Defendant)	
)	
)	
)	
)	

The undersigned complainant being duly sworn states:

COUNT 1

That on or about December 30, 2022, Defendant Delfino CHOLULA-Gonzalez, an alien, was found in the United States at or near San Luis, Arizona, within the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States to Mexico through the port of Paso Del Norte, Texas, Bridge, on or about April 27, 2020. The Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States, in violation of Title 8, United States Code, Section 1326(a), enhanced by (b)(1) (Felony).

And the complainant further states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Locri Not

BPA Christopher Grabbatin
Signature of Complainant

Samantha Keiffer
Border Patrol Agent

Sworn to before me and subscribed telephonically,

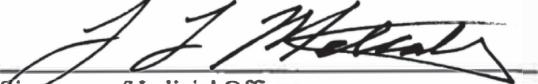
January 03, 2023
Date

at

Yuma, Arizona

City and State

James F. Metcalf, United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

UNITED STATES OF AMERICA,

Vs.

Delfino CHOLULA-Gonzalez
AKA: Armando PEREZ-Gonzalez, Abelino MOR
071482690

STATEMENT OF FACTUAL BASIS

The complainant states that this complaint is based upon the statements of the apprehending officers, that the Defendant was found and arrested on or about December 30, 2022, near San Luis, Arizona. Questioning of the Defendant by agents revealed that the Defendant is a citizen of Mexico and not in possession of valid documents allowing him to enter or remain in the United States.

By questioning the Defendant and through record checks, agents determined the Defendant was first ordered removed at or near Tacoma, Washington on or about April 11, 1996. The Defendant has been removed on seven previous occasions. The Defendant was most recently removed on or about April 27, 2020, through the port of Paso Del Norte, Texas, Bridge, subsequent to a conviction in an United States District Court, District of Arizona on or about December 03, 2018, for the crime of Re-Entry pf Removed Alien, a felony.

Agents determined that on or about December 30, 2022, the Defendant re-entered the United States without the Secretary of the Department of Homeland Security having consented to reapplication by the Defendant for admission into the United States.

To the best of my knowledge and belief, the following is a list of Border Patrol law enforcement personnel present during interviews, statements and questioning of the Defendant in this matter from initial contact through the writing of this document: BPAs Wayne Lai and Austin Del Rio.

To the best of my knowledge and belief, the following is a list of all Border Patrol law enforcement personnel not already mentioned above who were present and/or took part in other parts of this investigation (e.g., arrest, search, proactive investigation, surveillance, etc) from initial field contact through the writing of this document: BPA Brandon Tijerina.

BPA Christopher Grabbatin
Signature of Complainant

Sworn to before me and subscribed itelegphonically,

January 03, 2023

Date

J J Wetzel
Signature of Judicial Officer

Probable Cause Statement

I, Border Patrol Agent Samantha Keiffer, declare under penalty of perjury, the following is true and correct:

Defendant: **Delfino CHOLULA-Gonzalez**

Dependents: **NONE**

IMMIGRATION HISTORY: The Defendant is an illegal alien and has been apprehended by the United States Border Patrol on seven (7) previous occasions. The Defendant has been removed a total of three (7) times.

CRIMINAL HISTORY:

<u>DATE</u>	<u>LOCATION</u>	<u>OFFENSE</u>	<u>DISPOSITION</u>
01/16/1997	Portland, Oregon	Illegal Entry	24 months jail 1 year s/r
07/20/2000	Portland, Oregon	Illegal Entry	30 months jail 1 year s/r
08/29/2000	Portland, Oregon	Entry by eluding inspection	30 months jail 1 year s/r
10/09/2007	Portland, Oregon	Illegal Re-entry	46 months jail 3 years s/r
07/06/1995	Multnomah County	Dangerous Drug	12 months jail

Narrative: The complainant states that this complaint is based upon the statements of the apprehending officers, that the Defendant was found and arrested on or about December 30, 2022, near San Luis, Arizona. Questioning of the Defendant by agents revealed that the Defendant is a citizen of Mexico and not in possession of valid documents allowing him to enter or remain in the United States.

By questioning the Defendant and through record checks, agents determined the Defendant was first ordered removed at or near Tacoma, Washington on or about April 11, 1996. The Defendant has been removed on seven previous occasions. The Defendant was most recently removed on or about April 27, 2020, through the port of Paso Del Norte, Texas, Bridge, subsequent to a conviction in an United States District Court, District of Arizona on or about December 03, 2018, for the crime of Re-Entry of Removed Alien, a felony.

Agents determined that on or about December 30, 2022, the Defendant re-entered the United States without the Secretary of the Department of Homeland Security having consented to reapplication by the Defendant for admission into the United States.

Executed on: December 31, 2022

Time: 05:54 AM MST

Signed: Samantha Keiffer, Border Patrol Agent

